

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

PAUL VOGLINO, :
Plaintiff : CIVIL ACTION NO. 3:21-565
v. : (JUDGE MANNION)
JOSHUA SHAPIRO; REBECCA A. :
ELO; TROOPER JENNIFER A.
KOSAKEVITCH; and RALPH :
ZEZZA, *Special Agent* :
Defendants :

ORDER

For the reasons set forth in the Memorandum of this date, the **IT IS
HEREBY ORDERED THAT:**

- (1) Defendants' Motions to Dismiss, (Docs. 8, 9, 10), Plaintiff's Complaint, (Doc. 1), are **GRANTED**.
- (2) Plaintiff's §1983 false arrest and false imprisonment claims in Counts II and III of the Complaint respectively are **DISMISSED with prejudice**. All of Plaintiff's claims against defendant Rebecca A. Elo are **DISMISSED with prejudice**. Plaintiff's §1983 malicious prosecution and supervisory liability claims in Count I and IV respectively are **DISMISSED without prejudice** to Plaintiff filing an amended complaint within **twenty-one (21) days** from the date

of entry of this Order to plead plausible claims. Plaintiff's state law claims in Count V and VI are **DISMISSED without prejudice** pursuant to 28 U.S.C. §1367(c), subject to Plaintiff timely filing an amended complaint pleading a plausible claim predicated upon federal law.

(3) Failure to timely file an amended complaint will result in the dismissal of Counts I and IV of Plaintiff's Complaint **with prejudice**.

s/ Malachy E. Mannion
MALACHY E. MANNION
United States District Judge

DATE: December 23, 2021

21-565-01